

Applicant : Daniel L. Durham
Appln. No. : 10/776,866
Page : 4

REMARKS

Claims 1-3 and 6 and 7 have been amended. Upon entry of the above amendments, claims 1-8 will remain pending and under consideration in the application.

Claim Rejections Under 35 U.S.C. §112

Claims 3 and 7 have been amended as suggested by the Examiner, thereby overcoming the rejection under 35 U.S.C. §112, second paragraph.

Claim Rejection Under 35 U.S.C. §102

Claims 1, 2 and 4 have been rejected under 35 U.S.C. §102(b) as being anticipated by Emanuel et al. (U.S. Patent No. 6,189,968).

It is respectfully submitted that the Emanuel et al. patent discloses a lounge and chair saver that is not "configured to be releasably attached to a vehicle shoulder-strap," does not have "a generally rectangular flexible base sheet having a length and a width selected so that the device is adapted to be wrapped around a vehicle shoulder-strap," and does not have fasteners "configured to connect opposite edges of the device together along the length of the base sheet." Further, the Emanuel et al. patent does not provide any suggestion or motivation for modifying the lounge and chair saver so that it may be adapted for use with a vehicle shoulder strap. Thus, it is believed that the claims as amended above are patentable over the Emanuel et al. patent. Support for the claims as amended can be found in the drawings which show the base sheet having a generally rectangular shape (including a length and a width selected so the device can be wrapped around a shoulder-strap, and having VELCRO® fasteners configured to connect opposite edges of the device along the length direction of the base sheet.

Rejection Under 35 U.S.C. §103

Claim 3 has been rejected under 35 U.S.C. §103(a) as being unpatentable over the Emanuel et al. patent. The Examiner has stated that "the applicant has not disclose[d] that constructing the device of felt or corduroy solves any stated problem or is of any particular purpose."

Applicant : Daniel L. Durham
Appln. No. : 10/776,866
Page : 5

It is believed that dependent claim 3 is allowable for the reasons generally set forth above with respect to independent claim 1. Further, it is disclosed in the specification that the fabric is "relatively thick and soft to provide a cushioning effect" which "reduces discomfort associated with the use of a vehicle shoulder strap" (paragraph 0011 of the specification). These considerations are not at all relevant with respect to the lounge and chair saver disclosed by the Emanuel et al. patent. Thus, the subject matter of claim 3 is not suggested by Emanuel et al., and therefore is not obvious within the context of 35 U.S.C. §103.

Claims 5-8 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Saenz (U.S. Patent No. 4,699,401) in view of Finnigan (U.S. Patent No. 4,057,181).

Although the removable seatbelt cover disclosed by the Saenz patent includes pockets 36, 38 and 40; and the Finnigan patent discloses a container 58 having a transparent pocket, it would not have been obvious to one having ordinary skill in the art to modify the pockets of the Saenz removable seatbelt cover so that they are transparent. Transparency is relevant to the pocket 60 of container 58 disclosed in the Finnigan patent. Specifically, the Finnigan patent utilizes a transparent pocket for containing "printed matter 62 thereon for instructions as may be desired and which will be visible through the transparent pocket 60." However, transparency is not relevant to pockets 36, 38 and 40 of the Saenz removable seatbelt cover. Pockets 36, 38 and 40 are designed for holding a key 52, a pencil 54, and a pen 56. It is disclosed that the pockets may also be used for holding coins and/or currency. There is not any suggestion for utilizing the pockets for holding printed material so that the printed material can be viewed while being held in the transparent pocket. While the desirability of the claimed transparent pocket is evident from Applicant's disclosure, it is not at all evident from the prior art references. Neither the specific problem nor the solution are disclosed by the applied references. Therefore, it is respectfully submitted that the claims are patentable over the combination of the Saenz patent in view of the Finnigan patent.

Applicant : Daniel L. Durham
Appln. No. : 10/776,866
Page : 6

CONCLUSION

In view of the above amendments and remarks, it is respectfully submitted that the application is in condition for allowance and notice of the same is earnestly solicited.

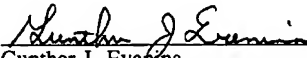
Respectfully submitted,

DANIEL L. DURHAM

By: Price, Heneveld, Cooper,
DeWitt & Litton, LLP

November 18, 2004

Date


Gunther J. Evaskina
Registration No. 35 502
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610

GJE/daw